

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INGENIO, FILIALE DE
LOTO-QUEBEC, INC.,

Plaintiff

v.

GAMELOGIC, INC., and
SCIENTIFIC GAMES CORPORATION,

Defendants

**CONFIDENTIAL
COPY**

Civil Action No.

04-1532-KAJ

H I G H L Y C O N F I D E N T I A L

Videotaped Deposition of CHRISTOPHER LOCKTON BRANDIN
Washington, D.C.

Friday, March 24, 2006

9:15 a.m.

Job No: 1-75490

Pages 1 - 209

Reported by: Jacquelyn C. Jarboe, R.P.R.



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HIGHLY CONFIDENTIAL VIDEOTAPED DEPOSITION OF CHRISTOPHER LOCKTON BRANDIN
CONDUCTED ON FRIDAY, MARCH 24, 2006

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1 Videotaped deposition of CHRISTOPHER
2 LOCKTON BRANDIN, held at the offices of:

3
4 Bingham McCutchen, LLP
5 2020 K Street, Northwest
6 Suite 800
7 Washington, D.C. 20006-1806
8 (202) 373-6175
9
10
11

12 Pursuant to agreement, before Jacquelyn C.
13 Jarboe, Registered Professional Reporter and Notary
14 Public in and for the District of Columbia.
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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

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(202) 955-1500

ON BEHALF OF DEFENDANT GAMELOGIC:

GOUTAM PATNAIK, ESQUIRE

Bingham McCutchen, LLP

2020 K Street, Northwest

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ALSO PRESENT:

SCOTT FORMAN, Videographer

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By Mr. Buroker	6

E X H I B I T S

(Attached to the Transcript)

EXHIBIT	PAGE
96 Expert Report of Christopher L. Brandin, dated 1-15-06	10
97 U.S. Patent No. 5,569,082	43
98 U.S. Patent No. 5,709,603	43
99 U.S. Patent No. 5,373,440	82
100 U.S. Patent No. 5,377,975	93
101 U.S. Patent No. 5,324,035	126
102 Prosecution File History Documents for U.S. Patent No. 5,569,082, Bates IN001377-IN001474	127
103 Pages 700-86 and 700-87 from Manual of Patent Examining Procedure	129
104 Second Expert Report of Christopher Brandin, dated 2-14-06	149
105 Collection of documents, Bates GL6885-GL6891	189

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P R O C E E D I N G S

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THE VIDEOGRAPHER: Here begins tape number
1 in the deposition of Christopher Brandin, in the
matter of Ingenio versus GameLogic, Inc., pending in
the U.S. District Court for the District of Delaware,
Case Number 04-1532-KAJ.

Today's date is March 24th, 2006. The time
is 9:15 a.m.

The video operator today is Scott Forman of
L.A.D. Reporting.

This video deposition is taking place at the
office of Bingham McCutchen, 2020 K Street, Northwest,
Washington, D.C.

Would the counsel please identify themselves
and state whom they represent.

MR. BUROKER: Brian Buroker from Hunton &
Williams, representing the plaintiff, Ingenio.

MR. PATNAIK: Goutam Patnaik of Bingham
McCutchen, representing defendant GameLogic, Inc.

THE VIDEOGRAPHER: The court reporter today
is Jackie Jarboe of L.A.D. Reporting.

Would the reporter please swear in the

09:05:24
09:14:44
09:14:47
09:14:51
09:14:55
09:14:59
09:15:02
09:15:03
09:15:06
09:15:09
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		6	
1	witness.	09:15:32	
2	Whereupon,	09:15:32	
3	CHRISTOPHER LOCKTON BRANDIN	09:15:43	
4	having been duly sworn, testified as follows:	09:15:43	
5	EXAMINATION BY COUNSEL FOR THE PLAINTIFF	09:15:32	
6	BY MR. BUROKER:	09:15:44	
7	Q Good morning, Mr. Brandin. My name's Brian	09:15:45	
8	Buroker, and I will be taking this deposition today on	09:15:48	
9	behalf of Plaintiff Ingenio. I'll just go over the	09:15:51	
10	ground rules. I'm sure you've heard them before.	09:15:56	
11	Basically, my job today is to try to ask you	09:15:58	
12	clear questions, and your job is to try to answer them	09:16:01	
13	to the best of your ability and truthfully. Do you	09:16:03	
14	understand that?	09:16:05	
15	A Yes.	09:16:06	
16	Q And I will do the best to make my questions	09:16:06	
17	clear, but if you do not understand one of my	09:16:09	
18	questions I'll ask that you please let me know that	09:16:12	
19	you don't understand it. Is that acceptable?	09:16:14	
20	A Yes.	09:16:17	
21	Q If you could just for the record, please,	09:16:18	
22	state your full name, please.	09:16:19	

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1 Q Okay.

12:11:43

2 A I'm sorry, what was the --

12:11:43

3 Q The question was, I believe you answered it,
4 that your opinion based upon Morris applies using
5 Ingenio's claim interpretations only?

12:11:48

12:11:50

12:11:57

6 A Yes, that's what I have in the report. I
7 did not analyze Morris.

12:12:02

12:12:06

8 Q And that's true, also, for the '603 patent,
9 correct? You confirm that by looking at page 31 of
10 your report, 31 of 32.

12:12:14

12:12:14

12:12:17

11 A That looks correct.

12:12:29

12 Q So if the court adopts GameLogic's and your
13 interpretation of the claims, you will not be offering
14 an opinion that Morris invalidates the claims alone?

12:12:33

12:12:36

12:12:40

15 A Based on anticipation.

12:12:44

16 Q Correct.

12:12:46

17 A Correct.

12:12:46

18 Q All right.

12:12:46

19 A Well, no, I can't make that assertion. I
20 haven't analyzed it. But reading the report, I have
21 no intention of, you know, correcting it.

12:12:48

12:12:51

12:13:02

22 Q Looking at the report and trying to

12:13:08

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1 understand it, you have argued that some of the claims 12:13:10
2 of the '082 patent and the '603 patent would have been 12:13:19
3 obvious, correct? 12:13:25

4 A Some of the claims? 12:13:30

5 Q Correct. 12:13:31

6 A Okay. Yes. 12:13:31

7 Q Okay. For example, it's your opinion that 12:13:34
8 Claim 1 of the '082 patent would be obvious, correct? 12:13:37

9 A I'm not sure which analysis you're talking 12:13:44
10 about here. I'm -- 12:13:46

11 Q I'm just asking generally, is it your 12:13:50
12 opinion, based upon this report, that Claim 1 of the 12:13:52
13 '082 patent would have been obvious? 12:13:56

14 A In light of other patents? 12:13:58

15 Q Yes. 12:14:01

16 A Yes. 12:14:02

17 Q And where do you identify which combination 12:14:03
18 of patents renders Claim 1 obvious? 12:14:05

19 A Well, in this chart I don't. I mean, this 12:14:23
20 is one -- one patent cited, but if we go back to the 12:14:27
21 other -- 12:14:31

22 Q You can -- like, for example, the chart 12:14:35

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1 beginning on Claim 14, which is where Claim 1 of the 12:14:37
2 '082 patent is. 12:14:40

3 A On page 14, you mean? 12:14:41

4 Q Page 14, yes. Where do you identify which 12:14:43
5 specific combination you plan to opine renders Claim 1 12:14:46
6 of the '082 patent obvious? 12:14:54

7 A Which specific combination? 12:14:57

8 Q Correct. 12:15:00

9 A I do not. Well, except, I mean, it's by 12:15:01
10 inference, because it's in the chart. But I do not 12:15:03
11 specifically separate and combine them. 12:15:08

12 Q And is it also true that you do not 12:15:14
13 specifically state anywhere in this report the basis 12:15:18
14 upon which you would -- that one of ordinary skill in 12:15:22
15 the art would be motivated to combine any two specific 12:15:25
16 references? 12:15:29

17 A No, I only make a statement of motivation 12:15:34
18 that's general. So it's not specific, I'm -- 12:15:38

19 Q So, for example, nowhere in this report is 12:15:42
20 there a statement as to why one of ordinary skill in 12:15:44
21 the art would have been motivated to modify the Cohen 12:15:47
22 reference in view of the Clapper reference 12:15:51

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1 specifically?

12:15:54

2 A That's correct.

12:15:55

3 Q And the same would be true for Cohen in view
4 of the Raha reference specifically, there's no
5 motivation stated in this report for that combination?

12:15:56

12:15:59

12:16:02

6 A It's not stated as a motivation, but the
7 motivation to combine Raha and Cohen I believe is --
8 is stated.

12:16:12

12:16:17

12:16:23

9 Q So you don't identify any two -- you don't
10 identify Cohen and Raha specifically as -- in the
11 context of why there's a motivation to modify? That
12 was muddled, let me start over.

12:16:26

12:16:29

12:16:38

12:16:43

13 There's no statement in this report where
14 you state specifically why one of ordinary skill in
15 the art would be motivated to modify Cohen in view of
16 Raha, using those terms?

12:16:44

12:16:45

12:16:50

12:16:54

17 A For example, for a particular claim, that's
18 correct.

12:16:57

12:17:00

19 Q Looking at -- I mean, that's also true for
20 Cohen in view of either of the Troy patents, there's
21 no specific motivation for combining those references?

12:17:00

12:17:03

12:17:08

22 A Well -- no.

12:17:14

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1	Q	Looking at the --	12:17:24
2	A	That I've stated. There is a --	12:17:25
3	Q	Well, that you've stated in this report.	12:17:29
4	A	Correct.	12:17:32
5	Q	Looking at page 15, there's a statement in	12:17:33
6		the first box on the right column, "All video games do	12:17:39
7		this, making it obvious," do you see that? The bottom	12:17:43
8		of the right column.	12:17:46
9	A	Yes.	12:17:47
10	Q	You're not citing to any reference for that	12:17:48
11		statement?	12:17:52
12	A	You mean is there a reference? No, there is	12:17:58
13		none.	12:18:02
14	Q	And looking over at the top of page 17 --	12:18:12
15	A	Yes.	12:18:15
16	Q	-- in the box that I believe is the second	12:18:14
17		half of Claim 6, that's a statement, "Obvious card	12:18:18
18		games have been around for thousands of years."	12:18:23
19	A	Yes.	12:18:27
20	Q	There's no citation to any particular	12:18:27
21		reference for that.	12:18:30
22	A	No.	12:18:31

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1 Q And there's not a particular citation for, 12:18:31
2 in column 9 -- excuse me, for Claim 9 in the second 12:18:33
3 column where it says "Obviously, the computer can be 12:18:38
4 connected to the Internet through an ISP, AOL for 12:18:40
5 example," right? 12:18:47

6 A That's correct. 12:18:48

7 MR. BUROKER: Now would be a good time for a 12:19:00
8 lunch break. 12:19:01

9 MR. PATNAIK: Sure. 12:19:03

10 THE VIDEOGRAPHER: We're going off the 12:19:04
11 record. The time is 12:19 p.m. 12:19:04

12 (A luncheon recess was taken.) 13:08:07

13 THE VIDEOGRAPHER: We're back on the record 13:27:53
14 the time is 1:28 p.m. 13:28:50

15 BY MR. BUROKER: 13:28:52

16 Q Good afternoon, Mr. Brandin. 13:28:54

17 A May I -- there's something I'd like to 13:28:57
18 clarify, because I think I was completely unclear 13:29:01
19 about it before, pertaining to one of your questions. 13:29:04

20 Q What was that? 13:29:06

21 A When you asked me what constitutes 13:29:06
22 encryption and you had related it to encoding, I would 13:29:12